

REMARKS**Summary of the Office Action**

Claims 1-6 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Noborimoto et al. (U.S. Patent Application No. 2002/0085467) (hereinafter "Noborimoto"). Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Noborimoto.

Summary of the Response to the Office Action

Independent claims 1 and 4 have been newly-amended, and new claims 9-14 have been added, in order to differently describe embodiments of the disclosure of the instant application. Claims 2-3 and 5-6 have been canceled without prejudice or disclaimer because some of their previously-described features have been incorporated into the newly-amended independent claims 1 and 4. Accordingly, claims 1, 4 and 7-14 are currently pending for consideration.

Rejection under 35 U.S.C. § 102(a)

Claims 1-6 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Noborimoto. Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Noborimoto. Independent claims 1 and 4 have been newly-amended, and new claims 9-14 have been added, in order to differently describe embodiments of the disclosure of the instant application. Claims 2-3 and 5-6 have been canceled without prejudice or disclaimer because some of their previously-described features have been incorporated into the newly-amended independent claims 1 and 4. To the extent that these rejections might be deemed to apply to the claims as newly amended, they are respectfully traversed for at least the following reasons.

Newly-amended independent claim 1 now describes an advantageous combination of features of an aberration correction liquid crystal device that includes “a first electrode section to be placed on the side of the laser light source and having a first electrode pattern for correcting aberration concerning a first optical disc, the first electrode pattern being defined by a first group of electrodes.” The device of newly-amended independent claim 1 also includes “a second electrode section to be placed on the side of the optical disc and having a second electrode pattern for correcting aberration concerning a second optical disc different from the first optical disc in type, the second electrode pattern being defined by a second group of electrodes.” Even further, the device of newly-amended independent claim 1 goes on to describe “wherein in correcting the aberration concerning the first optical disc, the first electrode pattern is applied with a voltage and all of the second group of electrodes are placed in equipotential state, and wherein in correcting the aberration concerning the second optical disc, the second electrode pattern is applied with a voltage and all of the first group of electrodes are placed in equipotential state.”

Applicants respectfully submit that the combination of features described in newly-amended independent claim 1 is discussed, for example, at paragraph [0050] of the U.S. publication of the instant application (U.S. 2004/0125734). Applicants respectfully submit that at least this newly-amended combination of features of independent claim 1 is neither shown nor suggested by the applied Noborimoto reference. For example, Applicants respectfully submit that Noborimoto does not teach the features of canceled original claim 3 of this application which have now been incorporated into newly-amended independent claim 1 of the instant application.

Newly-amended independent claim 4 has been amended to describe similar features as discussed above with regard to newly-amended independent claim 1. Accordingly, similar arguments as presented above with regard to newly-amended independent claim 1 also apply to newly-amended independent claim 4.

Applicants therefore believe, for at least the foregoing reasons, that the subject matter of the present invention claimed in each of independent claims 1 and 4 respectively of the instant application is not anticipated by the disclosure of Noborimoto. Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 102(a) should be withdrawn because Noborimoto does not teach or suggest each feature of independent claim 1 or 4 of the instant application. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicants respectfully assert that the dependent claims, including newly-added dependent claims 9 and 10, are allowable at least because of their dependence from independent claim 1 or 4, and the reasons set forth above. Applicants respectfully submit that the features described in newly-added claims 9 and 10 are discussed, for example, at paragraph [0050] of the U.S. publication of the instant application (U.S. 2004/0125734). Accordingly, withdrawal of the rejections under 35 U.S.C. § 103(a) is also respectfully requested for at least the foregoing reasons.

CONCLUSION

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of all pending claims are earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

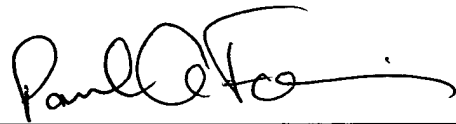
EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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By:



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